

Interagency Agreement Between The U.S. Army Corps of Engineers  
and the U.S. Environmental Protection Agency in Executing  
P.L. 95-510, The Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980 (CERCLA)

PURPOSE

The Environmental Protection Agency (EPA) has overall statutory responsibility for implementing the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), also known as Superfund. This agreement defines the management and technical assistance the U.S. Army Corps of Engineers (Corps) will provide to EPA to assist in implementing the Superfund program.

BACKGROUND

1. CERCLA provides authority and funding to respond to releases of hazardous substances, pollutants, and contaminants into the environment. The statute and Executive Order 12316 assign primary responsibility for implementation to EPA. The Superfund program includes emergency response (removal) to hazardous substance spills and sites and longer term (remedial) action at sites. This agreement primarily addresses aspects of the remedial response program.

2. For purposes of this agreement, remedial response at uncontrolled hazardous sites consists of the following: investigation to define the problem; feasibility study to evaluate the problem and select a cost-effective remedial action; final design; and implementation (construction and related tasks).

3. States may perform all or part of the remedial response program activities at sites. EPA is responsible for remedial response where a State does not elect to so perform.

4. The authorities under which this agreement is being implemented are the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601 et seq., and Section 219 of the Flood Control Act of 1965, P.L. 89-296, Title 2, 79 Stat. 1073, 1092.

EPA's RESPONSIBILITIES UNDER THIS AGREEMENT

1. EPA will manage all activities undertaken at a site before the Corps accepts a project and all remedial program activities except those performed by the Corps under this agreement.

2. EPA will provide the Corps with sufficient funding to execute the activities covered by this agreement. The Corps and EPA will enter into a subsequent financial agreement which, at a minimum will include: (a) procedures for project audits; (b) overhead costs; and (c) cost control mechanisms relating to Corps managed contracts.

3. EPA will manage relationships with States and will have primary responsibility for liaison with other interested groups.

#### CORP'S RESPONSIBILITIES UNDER THIS AGREEMENT

1. The Corps will manage design, construction and related tasks for remedial actions assigned by EPA and accepted by the Corps. In carrying out its management role, the Corps will use private contractors for all design, construction and related tasks. EPA and the Department of the Army may, with the concurrence of Office of Management and Budget, later agree that minimal design work should be done by the Corps.

2. The Corps will provide technical assistance to EPA during the remedial investigation and feasibility study phases. This assistance will be limited to work required to satisfy the Corps that the remedial action selected by EPA will be reasonable to design, construct and operate. The Corps also will assist EPA in review of State-managed projects as to their suitability for bidding and construction.

3. The Corps may provide other technical assistance to EPA in support of response actions, as agreed upon by the agencies.

4. The Corps will provide EPA with financial and program information consistent with, and easily integrated into, EPA's management and financial accounting systems.

#### QUALIFICATIONS AND LIMITATIONS

1. EPA and the Corps will ensure that any remedial action selected by EPA for Corps management is reasonable to design, construct and operate. EPA will not assign a remedial action to the Corps for management if the Corps determines that the action is not reasonable to design, construct and operate.

2. EPA maintains statutory responsibility for implementing the Superfund program. The Corps will maintain consistency with EPA's overall program requirements. The Corps will use its own internal procedures in the performance of its responsibilities under this agreement, including the use of its own procurement regulations. However, small business set-asides will be in accordance with the criteria set out in the Federal Procurement Regulations at FPR 1-1-706-5(a).

3. Corps Division Engineers and EPA Regional Administrators will operate under the provisions of this agreement. There will be no separate regional agreements.

4. This agreement shall be effective for a term of two years. It may be modified, extended or terminated by mutual consent of the parties. In cases of war or national emergency, or in the interest of the national defense this agreement may be terminated unilaterally.

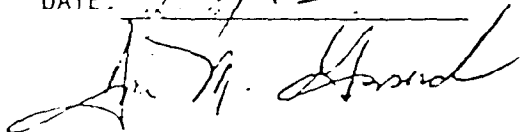
5. The Corps and EPA will issue instructions implementing this agreement.

#### AUTHENTICATION

This agreement will become effective upon signature by both parties.

Anne M. Gorsuch  
Administrator  
Environmental Protection Agency

DATE: 1/3/82



William R. Gianelli  
Assistant Secretary of the Army  
(Civil Works)

DATE: 2/3/82

